

## AMENDMENT OF THE HATCH ACT

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MAY 18 (legislative day, MAY 15), 1942.—Ordered to be printed

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Mr. GREEN, from the Committee on Privileges and Elections, submitted the following

## REPORT

[To accompany S. 2471]

The Committee on Privileges and Elections, to whom was referred the bill (S. 2471) to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, and commonly known as the Hatch Act, having considered the same, report favorably thereon and recommend that the bill do pass.

## STATEMENT

This bill (S. 2471) was introduced by Senator Brown of Michigan on April 20, 1942, and was referred to this committee. It is substantially the same as a bill (S. 1025) also introduced by Senator Brown on March 3, 1941, which had also been referred to this committee.

On May 5, 1942, a hearing was held before the Committee on Privileges and Elections and Senator Brown together with six additional witnesses were heard. Senator Brown stated that the amendment is substantially the same as the former one introduced and advocated by him during the consideration of the second Hatch Act of March 1940, and that it was eliminated principally because of the expressed opinion of Senator Hatch, and others, that the provisions of the Hatch Act did not apply to teachers. After the enactment of the act the attorneys general of Ohio and Minnesota ruled that teachers in land-grant colleges and in schools being assisted under the Smith-Lever Act and Bankhead-Jones Act were subject to the act.

Other witnesses favoring the legislation and who made statements at the hearing were Prof. Donald Du Shane, National Education Association, 1201 Sixteenth Street NW., Washington, D. C., secretary of the

Commission for the Defense of Democracy Through Education; Miss Mabel Studebaker, member of the board of directors, classroom teacher's department, National Education Association, Erie, Pa.; Dr. James K. Pollock, professor of political science, University of Michigan; Dr. Thomas F. Green, Jr., American Association of University Professors, 1155 Sixteenth Street NW., Washington, D. C.; and Dr. Alonzo Myers, New York University, chairman of the Commission for the Defense of Democracy Through Education.

Witnesses opposing the legislation were Gen. Amos A. Fories (U. S. Army, retired), representing Friends of the Public Schools of America, with headquarters in Chicago, Ill.; and, Mr. Elmer E. Rogers, 1735 Sixteenth Street NW., Washington, D. C., who later submitted a paper which was included in the transcript of the hearings.

The principal arguments in favor of the bill are set forth in the following excerpts from the statements of witnesses:

Senator Brown, of Michigan:

I state two reasons for my advocacy of this bill. First, I think it is wrong to take out of political life one of the most beneficial elements in it, the teaching profession. They are high-minded people; they are students of the science of politics and government, and the people of any State and all other States are entitled to the benefit of their opinions and their active participation in politics.

Second, the law is most discriminatory in that it applies to a considerable class of teachers and does not apply to another considerable class of teachers because there can be no constitutional justification for reaching that class of teachers whose salary or compensation is not in any way contributed to by the Federal Government.

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I do believe that we should pass this amendment which will remove this cloud from the teaching profession and give the general public the benefit of participation by teachers in political activity.

I conclude with pointing out the principal things that teachers of the class I have mentioned (in schools and institutions receiving Federal aid) are unable to do:

They may not be candidates for any public office, with the exception of local or municipal offices in a few localities.

A teacher may not be a delegate to a political convention.

A teacher may not serve on a political committee.

A teacher may not make a political speech.

A teacher may not serve as an election official.

A teacher may not be connected, editorially or financially, with any political newspaper, whatever that may be, nor may he write for publication or publish any letter or article in favor of or against any political candidate, party, or faction.

A teacher may not be a candidate for nomination or election to any National, State, county, or municipal office.

A teacher may attend a caucus and cast his or her vote, but may not tell why.

A teacher may not be a member of any political club whatsoever.

Those are the particular items I have picked out as being unduly oppressive on the profession (transcript of hearings, pp. 5-8).

Prof. Donald Du Shane:

Why teachers should be excluded:

1. Teachers belong to a profession which disapproves of, and does not engage in, pernicious political practices and they should continue to be good citizens without the Hatch Act.

2. This act is discriminatory in that it applies to some teachers and not to others.

3. The Hatch Act interferes with the freedom of teachers to discuss political issues freely and without Federal political control or censorship. In order to train our youth for understanding and participation in American political life it is of vital importance that the teachers' freedom to teach the truth shall not be interfered with.

4. If teachers are to train effectively our youth for citizenship they must have full rights of citizenship themselves.

5. American public schools are dependent upon the understanding and loyalty of our citizens for their financial support and their development and improvement. Very often questions involving the welfare of the schools are issues in political elections. Frequently candidates who are enemies of education run for political office. The integrity, and often the very existence of schools, depends upon the political activity of members of the teaching profession. It is part of their professional obligation to keep the needs and problems of the schools before the voters of their communities and States.

6. Under the Federal Constitution the management and control of education is a State function. A comparison between American schools and those of totalitarian countries would seem to indicate the wisdom of local and State control of education. The partial disfranchisement and the muzzling of local and State teachers by the Federal Government is as unnecessary and unjustifiable as it is dangerous and alarming.

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#### THE EFFECTS, AS TO TEACHERS, OF THE PASSAGE OF S. 2471

S. 2471 does not exempt teachers from the following provisions of the Hatch Act:

Section 1: It would continue to be illegal for teachers to interfere with another person's right to vote as he may choose.

Section 3: It would still be illegal for teachers to promise any employment in federally aided schools as a reward for political activity.

Section 4: It would still be illegal to deprive anyone of employment made possible by relief appropriations of Congress, because of race, creed, or political activity.

Section 5: It would still be illegal for teachers to solicit or receive political contributions to beneficiaries of Federal relief funds.

Section 6: It would be illegal for teachers to furnish or receive lists of Federal relief recipients for political purposes.

Section 7: It would be illegal for teachers to use any Federal relief funds or authority for interfering with any individual's right to vote.

Section 8: Any teacher who violates sections 1, 3, 4, 5, 6, or 7 is subject to fine and imprisonment.

Section 9: It would be illegal for any Federal teacher to belong to any revolutionary political party.

Section 13: It would be illegal for any teacher or teacher organization to contribute over \$5,000 to any campaign or election, or to purchase anything which will benefit any candidate for a Federal office.

Section 20: It would be illegal for teachers to violate any law in force at the time of the passage of the Hatch Act.

S. 2471 grants to teachers the following rights:

Section 2: A teacher would have the right to use his official authority or influence to effect the nomination or election of any candidate for Federal office.

Section 9: Federal teachers would have the right to use their authority and influence in affecting the result of an election and would be permitted to take part in political management or campaigns.

Section 12: All teachers would have the right to use their authority or influence to affect the result of a nomination or election; to seek contributions from fellow employees for political purposes; and to take active part in political campaigns.

Section 15: State and local teachers would be freed from civil-service regulations as to political activities of the classified civil service in effect prior to July 10, 1940.

NOTE.—Section 18 does not permit teacher participation in school, bond, tax and other nonparty elections, except as provided in sentence 2 of section 12 (a) (transcript of hearings, pp. 25-28).

